

**KENTUCKY PERSONNEL BOARD
MINUTES OF JUNE 25, 2007**

1. The regular monthly meeting of the Kentucky Personnel Board was called to order by Chairman Greg Higgins, on June 25, 2007, at approximately 9:30 a.m., 5 Fountain Place, Frankfort, Kentucky.

Board personnel present:

Greg Higgins, Chairman
Tina Goodmann, Vice-Chairman
Betty M. Gibson, Member
Lisa T. Hendricks, Member
Rosemary F. Center, Member
Jackson M. Andrews, Member
Robert B. Frazer, Member
Mark A. Sipek, Executive Director and Secretary
Boyce A. Crocker, General Counsel
Linda R. Morris, Administrative Section Supervisor
Cynthia Perkins, Administrative Specialist

2. **READING OF THE MINUTES OF REGULAR MEETING HELD MAY 11, 2007**

The minutes of the last Board meeting had been circulated among the members previously. Chairman Higgins asked for additions or corrections. Mr. Andrews moved to adopt the minutes as corrected, Ms. Gibson seconded, and the motion carried 6-0. The Board members signed the minutes. (Chairman Higgins does not vote unless noted.)

3. **EXECUTIVE DIRECTOR'S REPORT**

Mr. Sipek informed the Board Members regarding the following:

a) Hearing Officer Training, conducted by the Attorney General's office on June 22, 2007, was attended by several Hearing Officers and Board members. Mr. Sipek advised that it was an informative session.

b) *Joseph Lile v. Justice and Public Safety Cabinet* –This case was appealed to the Franklin Circuit Court, of which none of the current Board Members were involved in the original decision. Judge Wingate's Opinion and Order reversed the Board's Final Order and reinstated the Hearing Officer's Recommended Order. Mr. Sipek said that it will be interesting to see if the agency appeals further.

c) *Justice and Public Safety Cabinet v. Jo Ann Searcy* - Mr. Sipek informed the Board that Mr. Crocker is handling this appeal. The Court of Appeals rendered an Opinion Reversing on April 6, 2007, upholding the decision of the Personnel Board, although the Board has never been named as a party at the Court of Appeals level, and directed it to be published. Mr. Crocker filed a Petition for Rehearing stating that the court lacks jurisdiction since the Personnel Board is an indispensable party to the appeal and also asked that the opinion not be published. The Court of Appeals requested additional briefing. Mr. Sipek stated that in light of a decision last year involving a Workers Comp case, *Hutchins v. General Electric Company*, 109 S.W.3d 333 (Ky. 2006), the Kentucky Supreme Court ruled that it is no longer necessary to name an administrative agency as a party on appeal. Although a brief has been filed by both Mr. Crocker and the Hon. Robert Bullock, counsel for Searcy, no brief has yet been filed by the Justice and Public Safety Cabinet. Mr. Sipek stated that the Personnel Board could live with the decision of the Court either way, but wanted the court to hear from the Board. Mr. Sipek further advised that he would make sure the members get a copy of the Court of Appeals findings, as well as Mr. Crocker's brief.

d) *Attorney General's Database* - Mr. Sipek advised that Mr. Crocker filed a motion with the Franklin Circuit Court Judge asking to share information gathered from the database with other parties as it pertains to the Board's investigation and/or with Appellants who have appeals pending. The Judge granted the Board's motion.

Chairman Higgins asked if there were any questions from the Board Members. Mr. Andrews asked about the *Lile* appeal; specifically, did the Court get the facts wrong or did it find error? Mr. Sipek stated that it could come down to the interpretation of "excessive and erroneous." Mr. Andrews asked if the underlying issue was whether progressive discipline was mandatory. Mr. Sipek stated that the opinion did not reach that point, but that it could be interpreted that way and predicted further appeal. The Hon. Holly Harris, who was seated in the audience, fervently stated it would be appealed by the Justice and Public Safety Cabinet.

4. PETITIONED POSITIONS - None

5. ORAL ARGUMENTS

A. Jerry C. Briscoe and Eddie Roberts v. Finance and Administration Cabinet

Present were the Hon. Celia Dunlap, counsel for the Appellee, who had requested oral arguments; and the Hon. Donald Duff and the Hon. Paul Fauri, counsel for the Appellants. The parties answered questions from the Board.

B. Douglas Gregory v. Finance and Administration Cabinet

Present were the Hon. Paul Fauri, counsel for the Appellant, who had requested oral arguments; and the Hon. Celia Dunlap, counsel for the Appellee. The parties answered questions from the Board.

C. Karla Maiden v. Transportation Cabinet

Present were the Hon. Marc Bryant, counsel for the Appellant, who had requested oral arguments; and the Hon. Dana Nickles, counsel for the Appellee. The parties answered questions from the Board.

D. Priscilla Miller v. Justice and Public Safety Cabinet

Present were the Hon. Holly Harris, counsel for the Appellee, who had requested oral arguments; and the Hon. Paul Fauri, counsel for the Appellant. The parties answered questions from the Board.

E. Sayed Razavi v. Transportation Cabinet and Joseph Thompson and Glenn Anderson

Present were the Hon. Paul Fauri, counsel for the Appellant, who had requested oral arguments; and the Hon. Dana Nickles, counsel for the Appellee. The parties answered questions from the Board.

F. Robert Redmon v. Justice and Public Safety Cabinet

Present were the Appellant, *pro se*, who had requested oral arguments; and the Hon. Angela Cordery, counsel for the Appellee. The parties answered questions from the Board.

G. Betty Runner v. Cabinet for Health and Family Services (2007-081)

Present were the Appellant, *pro se*, who had requested oral arguments; and the Hon. Nora McCormick, counsel for the Appellee. The parties answered questions from the Board.

6. MOTIONS

A. Lowell Workman v. Cabinet for Health and Family Services

- Appellant's Motion to Enforce Board's Order
- Appellee's Second Notice of Compliance

Present were the Appellant, *pro se*, and the Hon. Amber Arnett, counsel for Appellee. The parties answered questions from the Board.

The following motion was discussed in closed session without oral arguments:

B. Lenny Ausbrooks v. Transportation Cabinet and Marjorie Ann Stewart

- Appellee's Motion to Alter, Amend or Vacate Board Order
- Appellant's Response to Motion

7. CLOSED SESSION

Mr. Frazer moved that the Board go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudications; Ms. Gibson seconded. Chairman Higgins stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), (j) and (k), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 6-0. (12:44 p.m.)

Ms. Gibson moved to return to open session, Ms. Hendricks seconded, and the motion carried 6-0. (2:27 p.m.)

8. PERSONNEL CABINET'S REPORT

Secretary Brian Crall, Personnel Cabinet, along with Hon. Tom Stephens, advised the Board concerning the following:

Proposed Changes to 101 KAR 2:120, Incentive Programs - Secretary Crall advised that he has submitted the Employee Suggestion Regulation for the Board's approval. This regulation extends the period of time (from 30 to 90 days) for employees to file suggestions, which he believes to be beneficial.

Draft regulation 101 KAR 1:345 Disciplinary Actions – Secretary Crall advised that this regulation allows written reprimands to be removed from an employee's personnel file. A copy of this draft was provided to the Board Members for review. Chairman Higgins asked if this will strengthen the Board's position that written reprimands are not to be treated as penalizations. Secretary Crall stated that it would since it would be temporarily in the employee's file. However, if the employee had repeated issues, it could remain and be used towards progressive discipline.

The Personnel Cabinet received several calls regarding separation of service since the ruling from the Kentucky Retirement System (KRS) on May 22, 2007. Individuals retiring July 1, have been cautioned not to move into interim positions. Secretary Crall advised that a notice is posted on the KRS website for review and clarification

Secretary Crall advised that the Supervisors Training Manual has been put together by the Governmental Services Center (GSC). The next step is to have it reviewed by the Personnel Council, and then provide it to the Personnel Board for review. The Cabinet hopes to have a final draft by the end of the year.

Kentucky Employee Health Plan – 2008 Draft regulation will be submitted to the Board for review in July or August. The Governor’s commitment is to keep the plan benefits as consistent as the plan’s finances will allow.

Secretary Crall announced that he had finished his general report and was ready to discuss the Duncan investigation presented at the May 2007 Board meeting.

9. INVESTIGATIONS:

1. Michael Duncan Hiring Investigation – request by Personnel Cabinet (Deferred from May)

Secretary Crall advised that he believed the investigation fell under his purview and that it was in the best interest of all involved (supervisor, employee, Cabinet, process and 18A) and to allow for the most objective view of the facts. Secretary Crall carefully considered the timing of the presentation because he did not want it to appear political in nature. The issues that jumped out were the issue of pre-selection, the propriety or impropriety of the selection process, and whether an internal candidate had been given proper consideration. He further stated that there are no records to indicate to the Personnel Cabinet that proper weight or consideration was given to KRS 18A.0751(4)(f). Secretary Crall stated that the supervisor admitted that he was not familiar with the laws pertaining to promotions, internal mobility or other matters of selection. A copy of an investigation of a subsequent pre-selection made by that supervisor was provided to the Board Members for their review.

Chairman Higgins asked the Board Members if there were any questions. Chairman Higgins then inquired if the Personnel Cabinet would give the same diligence to lesser profile cases. Secretary Crall advised that he has in the past and will continue to investigate every request, if enough specifics are provided. He stated that he has set up an Office of Inspector General specifically for that purpose.

Chairman Higgins asked if anyone else wanted to come forward. Mr. David Ray and his counsel, Hon. Thomas Clay, came forward. Mr. Clay advised the Board Members that Mr. Ray has in no way discouraged an investigation and that there was no truth to the allegation that Mr. Ray exercised pre-selection. Mr. Clay stated that the investigation lay dormant for two years until Secretary Crall saw Hearing Officer John Ryan’s Recommended Order. Mr. Ray was available to discuss his hiring procedures at anytime during that period. Although Mr. Ray testified to Hearing Officer Ryan that he was not familiar with KRS 18A.0751(4)(f), he consulted with two Transportation personnel administrators regarding the procedures used in selecting Michael Duncan. Mr. Ray went through an exhaustive and thorough process and hired the person most qualified.

Chairman Higgins said the Board would review the investigation request and Mr. Clay’s response, and that any investigation would include Mr. Ray as well. Mr. Andrews asked Mr. Clay who appointed his client as Inspector General. Mr. Ray responded, “Governor Fletcher.” Mr. Clay asked Mr. Ray how much time he spent with the Governor, and Mr. Ray said, “None.”

Chairman Higgins asked the Board Members if there was any discussion. Mr. Frazer stated that it seemed both the Personnel Cabinet and Mr. Ray agreed to an investigation. Ms. Center asked if the scope of the investigation was to examine the pre-selection process. Chairman Higgins advised that in this case it would be limited to the hiring of Michael Duncan.

Mr. Frazer made a motion to investigate. Ms. Hendricks seconded and the motion carried 5-1, with Mr. Andrews opposing.

2. Justice Cabinet, Kentucky State Reformatory – request by Patricia Bunt
Special favors and exemption from rules (**Deferred from April**)

The Hon. Jeff Middendorf, General Counsel for the Justice and Public Safety Cabinet, advised the Board that he investigated the claim by Patricia Bunt that the Department of Corrections was administering expired medications to inmates. He spoke with Cindy Gray, who had discussed this matter with Dr. Haas, and she advised that the prescriber can extend the expiration date of medication. This medication is marked with auxiliary stickers. This practice is authorized through the pharmacy. Expired medication not given an extension is sent back to the supplier. He stated that the Board of Nursing received the same request and chose not to do anything. Mr. Middendorf stated that he cannot find any merit to Ms. Bunt's allegations.

Mr. Andrews moved to deny Ms. Bunt's request for an investigation. Ms. Hendricks seconded and the motion carried 6-0.

Other:

3. Proposed Changes to 101 KAR 2:120, Incentive Programs

Mr. Andrews moved to approve the proposed changes. Ms. Goodmann seconded and the motion carried 6-0.

10. **SECOND CLOSED SESSION**

Ms. Gibson moved that the Board again go into Executive Session for the purposes of discussing complaints, proposed or pending litigation, and deliberations regarding individual adjudication; Ms. Hendricks seconded. Chairman Higgins stated that the motion had been made and seconded for the Personnel Board to retire into closed Executive Session, passed by a majority vote of the members present, with enough members present to form a quorum. Pursuant to KRS 61.810(1) (c), (f), (j) and (k), the Kentucky Open Meetings Act, the Board will now retire into closed Executive Session. Specific justification under the Kentucky Open Meetings Act for this action are as follows, because there will be discussion of proposed or pending litigation against or on behalf of the Board; and deliberations regarding individual adjudication. The motion carried 6-0. (3:05 p.m.)

Ms. Hendricks moved to return to open session. Ms. Center seconded, and the motion carried 6-0. (4:24 p.m.)

11. CASES TO BE DECIDED

MOTIONS:

- A. Lowell Workman v. Cabinet for Health and Family Services
--Appellant's Motion to Enforce Board's Order
--Appellee's Second Notice of Compliance

Mr. Frazer moved to deny Appellant's Motion to Enforce. Mr. Andrews seconded and the motion carried 6-0.

- B. Lenny Ausbrooks v. Transportation Cabinet and Marjorie Ann Stewart

Mr. Andrews moved to deny the Appellant's original Motion to Enforce. Mr. Frazer seconded and the motion carried 6-0.

The Board reviewed the following cases. At that time, the Board considered the Hearing Officers' findings of fact, conclusions of law and recommendations, any exceptions and responses which had been filed, and oral arguments where applicable.

- A. Jerry Briscoe and Eddie Roberts v. Finance and Administration Cabinet

Ms. Hendricks moved to defer this matter to the next meeting of the Board, Ms. Goodmann seconded and the motion carried 5-1, with Mr. Frazer opposing.

- B. Douglas Gregory v. Finance and Administration Cabinet

Mr. Andrews moved to defer this matter to the next meeting of the Board, Ms. Center seconded and the motion carried 4-2, with Ms. Hendricks and Mr. Frazer opposing.

- C. Karla Maiden v. Transportation Cabinet

Ms. Hendricks moved to defer this matter to the next meeting of the Board, Ms. Center seconded and the motion carried 5-1, with Mr. Frazer opposing.

- D. Priscilla Miller v. Justice and Public Safety Cabinet

Ms. Center moved to note Appellee's Exceptions, Appellant's Response and oral arguments and to accept the recommended order sustaining the appeal. Ms. Goodmann seconded and the motion carried 4-2, with Ms. Hendricks and Mr. Frazer opposing.

E. Sayed Razavi v. Transportation Cabinet and Joseph Thompson & Glenn Anderson

Ms. Gibson moved to note Appellant's Exceptions, Appellee's Response and oral arguments and to accept the recommended order dismissing the appeal. Intervenor, Thompson and Anderson, were present; however, they had nothing to add to oral arguments. Ms. Hendricks seconded and the motion carried 6-0.

F. Robert Redmon v. Justice and Public Safety Cabinet (2 appeals)

Mr. Frazer moved to note Appellant's Exceptions, Appellee's Response and oral arguments and to accept the recommended order dismissing the appeal. Mr. Andrews seconded and the motion carried 6-0.

G. Betty Runner v. Cabinet for Health and Family Services (2007-081)

Mr. Frazer moved to note Appellant's Additional Exceptions, Appellee's Motion to Dismiss and Strike Additional Exceptions, and oral arguments; to accept the recommended order dismissing the appeal and to deny Appellee's Motion to Dismiss and Strike Additional Exceptions. Ms. Goodmann seconded and the motion carried 6-0.

H. John Beane v. Transportation Cabinet

Ms. Hendricks moved to note Appellee's exceptions, Appellant's response, and oral arguments and to accept the Final Order as altered and attached to these minutes dismissing the appeal. Ms. Gibson seconded and the motion carried 6-0.

I. William Wolejsza v. Governor's Office for Local Development

Ms. Hendricks moved to note Appellant's exceptions, Appellee's Exceptions, and oral arguments and to accept the Final Order as altered and attached to these minutes dismissing the appeal. Ms. Center seconded and the motion carried 6-0.

J. Benjamin Burris v. Justice and Public Safety Cabinet

Mr. Frazer moved to accept the recommended order dismissing the appeal. Ms. Gibson seconded and the motion carried 6-0.

K. Hayden Campbell v. Cabinet for Health and Family Services

Ms. Hendricks moved to accept the recommended order dismissing the appeal. Ms. Goodmann seconded and the motion carried 6-0.

L. Melinda Conover and Mark Gibson v. Cabinet for Health and Family Services
and John Langford

Ms. Center moved to accept the recommended order dismissing the appeals. Mr. Andrews seconded and the motion carried 6-0.

M. Ginger Counts v. Education Cabinet

Mr. Frazer moved to accept the recommended order dismissing the appeal. Mr. Andrews seconded and the motion carried 6-0.

N. John Davis v. Justice and Public Safety Cabinet

Mr. Andrews moved to accept the recommended order dismissing the appeal. Ms. Hendricks seconded and the motion carried 6-0.

O. Daniel Eldridge v. Department of Veterans' Affairs – 3 appeals

Mr. Frazer moved to accept the recommended order dismissing the appeal. Ms. Gibson seconded and the motion carried 6-0.

P. Robert Fockele v. Personnel Cabinet

Ms. Center moved to accept the recommended order dismissing the appeal. Mr. Frazer seconded and the motion carried 6-0.

Q. Rebecca Gardenour v. Cabinet for Health and Family Services and Personnel
Cabinet

Mr. Frazer moved to accept the recommended order sustaining the appeal. Mr. Andrews seconded and the motion carried 6-0.

R. Angela Hall v. Cabinet for Health and Family Services

Ms. Center moved to accept the recommended order dismissing the appeal. Ms. Gibson seconded and the motion carried 6-0.

S. Dylan Jones v. Environmental and Public Protection Cabinet

Ms. Center moved to accept the recommended order dismissing the appeal. Ms. Goodmann seconded and the motion carried 6-0.

T. Alicia Ricketts v. Justice and Public Safety Cabinet (2006-273 and 2006-322)

Ms. Gibson moved to accept the recommended order dismissing the appeals. Mr. Andrews seconded and the motion carried 6-0.

U. Sylvia Seale v. Cabinet for Health and Family Services

Mr. Frazer moved to accept the recommended order dismissing the appeal. Ms. Hendricks seconded and the motion carried 6-0.

V. Candice Smith v. Environmental and Public Protection Cabinet and Personnel Cabinet

Ms. Center moved to defer this matter to the next meeting of the Board, Ms. Gibson seconded and the motion carried 6-0.

W. Jeremy Thornsberry v. Justice and Public Safety Cabinet

Mr. Frazer moved to accept the recommended order dismissing the appeal. Ms. Gibson seconded and the motion carried 6-0.

Show Cause Orders –Response Filed

The following cases had a show cause order entered by the hearing officer recommending that the appeal be dismissed for failure to timely prosecute. The Appellants filed statements alleging sufficient cause to excuse their failure to appear at the scheduled hearing.

X. William Brown v. Justice and Public Safety Cabinet

Ms. Hendricks moved to note Appellant's Exceptions, and finding the Appellant has not shown sufficient cause for failure to appear at the hearing, to accept the recommended order dismissing the appeal. Mr. Frazer seconded and the motion carried 6-0.

Y. **Appeal withdrawn**

Z. Donna Reiff v. Personnel Cabinet

Mr. Frazer moved to note Appellant's Exceptions, and finding the Appellant has not shown sufficient cause for failure to appear at the hearing, to accept the recommended order dismissing the appeal. Ms. Hendricks seconded and the motion carried 6-0.

Show Cause Orders – No Response Filed – Appeals Dismissed

The following cases had show cause orders entered by the hearing officer recommending that the appeals be dismissed for failure to timely prosecute unless a statement was filed by the Appellants stating sufficient cause to excuse their failure to appear at the scheduled hearing. There was no response submitted by the Appellants to the show cause orders.

- AA. Christy Buchanan v. Department of Veterans' Affairs
- BB. Beberly Corn v. Finance and Administration Cabinet
- CC. Melissa Dishman v. Personnel Cabinet

Ms. Hendricks moved to find that the Appellants had not responded to the show cause orders and that the recommended orders be accepted dismissing the appeals for failure to timely prosecute the appeals. Ms. Center seconded and the motion carried 6-0.

11. **WITHDRAWALS**

Ms. Gibson moved to consider the following withdrawals of appeals *en bloc* and to accept the withdrawals and dismiss the appeals. Ms. Hendricks seconded and the motion carried 6-0.

- A. Dennis Asher v. Department of Veterans' Affairs
- B. Lisa Bannister v. Cabinet for Health and Family Services
- C. Ronald Browning v. Transportation
- D. Terry Farmer v. Transportation Cabinet and Josh Hornbeck
- E. Susan Goddard v. Justice and Public Safety Cabinet
- F. Margie Harned v. Cabinet for Health and Family Services
- G. Anna Harris v. Cabinet for Health and Family Services
- H. Bobby Headrick v. Personnel
- I. Erica Hughes v. Personnel Cabinet;
- J. Jason Jones v. Cabinet for Health and Family Services (2 appeals)
- K. Thomas Laurino v. Personnel Cabinet
- L. Robert Mineer v. Personnel Cabinet
- M. Barbara Roberts v. Transportation Cabinet
- N. Sandra Schaefer v. Cabinet for Health and Family Services
- O. Robert Viall v. Cabinet for Health and Family Services
- P. Kathie Wideman v. Personnel Cabinet
- Q. Alisha Brewer v. Justice and Public Safety Cabinet
- R. Patrick Collard v. Department of Veterans Affairs
- S. Roger Grubb v. Finance and Administration Cabinet

12. SETTLEMENTS

Ms. Gibson moved to consider the following settlements [A through P] *en bloc* and to accept the settlements as submitted by the parties sustaining the appeals to the extent set forth in the settlements. Ms. Hendricks seconded and the motion carried 6-0.

- A. Wayne Ashby v. Education Cabinet
- B. Carla Brockman v. Education Cabinet
- C. Ronald Carrico v. Transportation Cabinet
- D. Jennifer Eaton v. Education Cabinet
- E. Karla Green v. Finance and Administration Cabinet (2 appeals)
- F. Estle Heightchew v. Justice and Public Safety Cabinet
- G. James McAllister v. Cabinet for Health and Family Services
- H. John Oliver v. Education Cabinet
- I. Lonnie Poland v. Transportation Cabinet
- J. Alicia Ricketts v. Justice and Public Safety Cabinet (2006-153)
- K. Jackie Standifur v. Environmental and Public Protection Cabinet
- L. Dee Sumpter v. Health and Family Services
- M. John Warren II v. Education Cabinet
- N. Farrah Stewart v. Justice and Public Safety Cabinet
- O. Sheila Tharpe v. Environmental and Public Protection Cabinet
- P. Nikki Townsend v. Personnel Cabinet (5 appeals)

Q. Charles Weaver v. Transportation Cabinet and Wayne Sizemore

Mr. Frazer moved to reject the settlement offer and remand the matter to a hearing officer. Ms. Center seconded and the motion carried 6-0.

R. James Travis v. Environmental and Public Protection Cabinet

Ms. Hendricks moved to defer this matter to the next meeting of the Board, Mr. Andrews seconded and the motion carried 6-0.

13. OTHER

1. Request for Investigation: Pay equity – starting salary for new hires versus salaries of incumbents - (Request by Hearing Officer Andy Crocker, contained in Recommended Order of *John Davis v. Kentucky State Police*)

Mr. Crocker advised the Board Members that this request for investigation is similar to the facts in *Briscoe and Roberts*, long-time state employees with similar qualifications but in different counties who were paid less than new hires in the same classification. The regulations discuss salary equity. Ms. Hendricks asked if each county has their own budget. Mr. Sipek

stated no; however, the reason county is stated in the regulation is because there might be issues related to each individual county, i.e. recruitment. Chairman Higgins asked if this request was made so that possible changes to regulations could be proposed. Mr. Crocker stated yes. Mr. Sipek said that the Personnel Board has received more of these appeals within the last year and a half because of this regulation. However, some have been dismissed without a hearing because they did not meet the three criteria; unlike Briscoe and Roberts. Mr. Crocker stated that he would investigate the practice of each agency and the Personnel Cabinet. Mr. Crocker stated that this is a big issue for the counties outside of Franklin. Ms. Goodmann asked if this was something the Personnel Cabinet would investigate or would the Personnel Board. Mr. Crocker responded that the Board would investigate, but would request either information from the Cabinet or ask for their assistance.

Mr. Frazer moved to investigate this matter. Ms. Goodmann seconded and the motion carried 6-0.

2. Annual Increments for Executive Director and General Counsel

Mr. Frazer moved to give both the Executive Director and the General Counsel a seven percent (7%) increment beginning July 1, 2007. Ms. Center seconded and the motion carried unanimously.

There being no further business, Ms. Hendricks moved to adjourn, Ms. Gibson seconded, and the motion carried 6-0. (4:40 p.m.)

Greg Higgins, Chairman

Tina Goodmann, Vice-Chairman

Betty Gibson, Member

Lisa Hendricks, Member

Rosemary F. Center, Member

Jackson M. Andrews, Member

Robert B. Frazer, Member